

AMENDED IN SENATE JUNE 27, 2006

CALIFORNIA LEGISLATURE—2005—06 REGULAR SESSION

ASSEMBLY BILL

No. 2147

Introduced by Assembly Member Harman

February 21, 2006

An act to add Chapter 5.8 (commencing with Section 42359) to Part 3 of Division 30 of the Public Resources Code, relating to solid waste.

LEGISLATIVE COUNSEL'S DIGEST

AB 2147, as amended, Harman. Solid waste: ~~compostable~~ plastic food and beverage containers.

Existing law, the California Integrated Waste Management Act of 1989, administered by the California Integrated Waste Management Board, requires every rigid plastic packaging container, as defined, sold or offered for sale in this state, to generally meet one of specified criteria.

Existing law prohibits a person from selling a plastic bag that is labeled as "biodegradable," "compostable," "degradable," or as otherwise specified, unless, at the time of the sale, the plastic bag meets a current American Society for Testing and ~~Material~~ *Materials* (ASTM) standard specification for the term used on the label. Existing law requires a manufacturer or supplier, as defined, upon the request of a member of the public, to submit to that member, within 90 days of the request, information and documentation demonstrating compliance with these labeling requirements.

This bill would impose similar requirements, with regard to ~~compostable~~ plastic food or beverage containers, as defined, for ~~purpose~~ *purposes* of prohibiting a person from selling a ~~compostable~~ plastic food or beverage container that is labeled as "biodegradable,"

“compostable,” “degradable,” or as otherwise specified, unless, at the time of the sale, the container meets ~~a current~~ *the* ASTM standard specification *for compostable plastics, as specified*, for the term used on the label.

Vote: majority. Appropriation: no. Fiscal committee: no.
State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. Chapter 5.8 (commencing with Section 42359)
2 is added to Part 3 of Division 30 of the Public Resources Code,
3 to read:

4
5 CHAPTER 5.8. ~~COMPOSTABLE PLASTIC~~ *PLASTIC FOOD AND*
6 *BEVERAGE CONTAINERS*
7

8 42359. The Legislature finds and declares that it is the public
9 policy of the state that environmental marketing claims, whether
10 explicit or implied, should be substantiated by competent and
11 reliable evidence to prevent deceiving or misleading consumers
12 about the environmental impact of compostable plastic food or
13 beverage containers. For consumers to have accurate and useful
14 information about the environmental impact of compostable
15 plastic food or beverage containers, environmental marketing
16 claims should adhere to uniform and recognized standards,
17 including those standard specifications established by the
18 American Society for Testing and Materials.

19 42359.5. For purposes of this chapter, the following
20 definitions apply:

21 (a) “ASTM” means the American Society for Testing and
22 Materials.

23 (b) “ASTM standard specification” means ~~a definition found~~
24 ~~in the Style and Form Guide for ASTM Standards and does not~~
25 ~~include an ASTM Standard Guide, a Standard Practice, or a~~
26 ~~Standard Test Method.~~ *ASTM Standard Specification for*
27 *Compostable Plastics (D6400-04).*

28 (c) “~~Compostable plastic~~ *Plastic* food or beverage container”
29 means plastic packaging for a finished product that contains food
30 or drink items, or utensils, for retail sale, ~~where composting is the~~
31 ~~preferred or intended disposal method for that packaging.~~

1 (d) “Manufacturer” means a person, firm, association,
2 partnership, or corporation that produces a ~~compostable~~ plastic
3 food or beverage container.

4 (e) “Supplier” means a person who does one or more of the
5 following:

6 (1) Sells, offers for sale, or offers for promotional purposes, a
7 ~~compostable~~ plastic food or beverage container that is used by a
8 person to contain a product.

9 (2) Takes title to a ~~compostable~~ plastic food or beverage
10 container produced either domestically or in a foreign country,
11 that is purchased for resale or promotional purposes.

12 42359.6. (a) A person shall not sell a ~~compostable~~ plastic
13 food or beverage container in this state that is labeled with the
14 term “compostable,” “biodegradable,” “degradable,” or any form
15 of those terms, or in anyway imply that the container will break
16 down in a landfill, composting, marine, or other natural terrestrial
17 environment, unless, at the time of the sale, the ~~compostable~~
18 plastic food or beverage container meets ~~a current~~ *the* ASTM
19 standard specification for the term used on the label.

20 (b) A manufacturer or supplier, upon the request of a member
21 of the public, shall submit to that member, within 90 days of the
22 request, information and documentation demonstrating
23 compliance with this chapter, in a format that is easy to
24 understand and scientifically accurate.